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EXAMINER

CRABTREE, JOSHUA DAVID

ART UNIT PAPER NUMBER

3715

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,665	Applicant(s) ROSHELLE ET AL.	
	Examiner Joshua D. Crabtree	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-24, 26-37, 40-58, 60-71, and 74-77, and 79 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziv-El (US 6,302,698). Ziv-El discloses a method for online teaching.

Regarding claim 1, Ziv-El discloses a "teaching strategy where the students are given a question in a frame" (Col. 4, lines 10-11). Thus a query is forwarded. Regarding the limitation that the query pertain to a structured entity having a plurality of parts, Ziv-El discloses usage of the invention in various academic subjects, such as English, Arithmetic, History, Spanish and others (See Fig. 6). Queries in a math class could pertain to steps of a proof or theorem. Queries in a history class could pertain to an event such as the Civil War, which could very easily comprise a plurality of parts.

Regarding the limitation of forwarding a query pertaining to a structured entity having a plurality of parts, Ziv-El discloses, "A 'lesson' or 'lesson template' is a collection of exercises or frames to be delivered to a class of students." (Col. 9, lines 45-46). Ziv-El also discloses, "a list of lesson names is kept for each teacher, containing the names of all the currently open lessons in response server, out of the total list of lessons in the database server." (Col. 10, lines 46-50). Thus a plurality of response templates is forwarded.

Regarding the limitation of receiving a response from the client device, wherein said response comprises at least one of the response templates related to at least one part of said structured entity, Ziv-El discloses "having a plurality of student computers, a network server and at least one teacher's computer." (See Abstract) Ziv-El also discloses, "a student responds to a question" (Col. 1, line 63). Thus a response is received from a client device, or student computer.

Regarding claim 2, Ziv-El discloses, "a teacher is able to monitor in real time, a large number of student responses simultaneously" (Col. 2, lines 5-8). Thus a response is received from a first and second client devices, as well as further client devices used by the "large number" of students.

Regarding claim 3, Ziv-El discloses an example of producing an aggregated result from responses. Ziv-El discloses, "By comparing each response with every other response, using part of the comparison and evaluation logic of FIG. 4, repeatedly for each comparison, a frequency count is made for each president mentioned. A text

printout or a bar graph or a pie chart can be drawn, as stated in FIG. 21, based on the frequencies of each response.” (Col. 26, lines 32-36)

Regarding claim 6, Ziv-El discloses usage of the invention in arithmetic and math classes (See Fig. 6). Queries in a math or arithmetic class could pertain to sequential steps in a proof or theorem.

Regarding claims 7 and 8, Ziv-El discloses usage of the invention in English and Spanish classes (See Fig. 6). Queries in an English or Spanish class could pertain to a literary work, portion of a literary work, or a poem.

Regarding claims 9-14, Ziv-El discloses examples of different classes that could be used with the invention, including Arithmetic, English, History, Social Studies, Spanish and others (See Fig. 6). The invention of Ziv-El is capable of being used in a wide variety of class subjects, and is thus inherently capable of providing questions relating to computer programs, musical compositions, biological organisms, computer data structures, architectural structures, chemical processes, or any other structure entity that could be taught in a class.

Regarding claims 15 and 16, Ziv-El discloses an interface in which a student provides a response using a “student client/ browser” by entering input in a response template on a browser page. (See figs. 2, 5, 9, 11 and 13).

Regarding claim 17, Ziv-El discloses, “when a student from a particular class roster logs on, the choice of lessons the student can attempt, by using a button labeled Lessons (button 163 in FIG. 9) on the screen of the student computer or, is limited to

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the lessons grouped under the name of the teacher associated with this class roster. The addresses of each frame of each lesson are also kept in the response server 6 and the database server, respectively. " (Col. 10, lines 52-60). Thus the student links the response template in Fig. 9 to a lesson, or structured entity.

Regarding claim 18, Ziv-El discloses exercise types that "include multiple choice questions" (Col. 2, line 40; see also fig. 5). Multiple-choice questions require the test-taker to link the correct answer to the question. The correct answer and the question are both components of the structured entity.

Regarding claim 19, Ziv-El discloses a multi-part query in Fig. 11. The student must fill in multiple parts for the response to the query.

Regarding claim 20, Ziv-El discloses an interface in which the teacher may interact with multiple students simultaneously. The teacher receives data including a student's name and seat number along with their responses. Thus at least one tag is received as part of the input from the student.

Regarding claim 21, Ziv-El discloses receiving a query pertaining to a structured entity as described in the rejection above to claim 1. Ziv-El discloses providing a plurality of response templates, as described in the rejection above to claim 1. Ziv-El discloses providing a response to an aggregating device from a first client device, as described in the rejection above to claim 3. In the invention of Ziv-El, the aggregating device is the teacher's computer, and the first client device is a student's computer.

Regarding claim 22, Ziv-El discloses a “networked teaching and learning system having a plurality of student computers” (See Abstract). Thus a second client device, or student computer, is available to provide a response comprising a response template.

Regarding claims 23 and 24, the limitation of aggregating results from a plurality of client devices is addressed above in the rejection to claim 3. The limitations of requesting and receiving the aggregated result are disclosed by Ziv-El in Fig. 21, where the teacher can request and view various reports containing aggregated results.

Claim 26 is rejected on the same grounds as claim 6.

Claims 27 and 28 are rejected on the same grounds as claims 7 and 8.

Regarding claims 29-34, see the above rejection to claims 9-14.

Regarding claim 35, Ziv-El discloses forwarding a query pertaining to a structured entity, forwarding response templates, and receiving responses as described in the above rejection to claim 1. Regarding the limitation of a computer readable medium having instructions executed by a processor in order to perform the steps of the claim, Ziv-El discloses a “networked teaching and learning system having a plurality of student computers, a network server and at least one teacher's computer” (See Abstract).

Claim 36 is rejected on the same grounds as claim 2.

Claim 37 is rejected on the same grounds as claim 3.

Claim 40 is rejected on the same grounds as claim 6.

Claims 41 and 42 are rejected on the same grounds as claims 7 and 8.

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Regarding claims 43-48, see the above rejection to claims 9-14.

Claims 49 and 50 are rejected on the same grounds as claims 15 and 16.

Claim 51 is rejected on the same grounds as claim 17.

Claim 52 is rejected on the same grounds as claim 18.

Claim 53 is rejected on the same grounds as claim 19.

Claim 54 is rejected on the same grounds as claim 20.

Claim 55 is rejected on the same grounds as claim 21. The limitations of a computer readable medium, instructions, and processor are addressed in the above rejection to claim 35.

Claim 56 is rejected on the same grounds as claim 36.

Claims 57 and 58 are rejected on the same grounds as claims 23 and 24.

Claim 60 is rejected on the same grounds as claim 6.

Claims 61 and 62 are rejected on the same grounds as claims 7 and 8.

Regarding claims 63-68, see the above rejection to claims 9-14.

Claim 69 is rejected on the same grounds as claim 1.

Claim 70 is rejected on the same grounds as claim 2.

Claim 71 is rejected on the same grounds as claim 3.

Claim 74 is rejected on the same grounds as claim 21.

Claim 75 is rejected on the same grounds as claim 22.

Claim 76 is rejected on the same grounds as claim 23.

Claim 77 is rejected on the same grounds as claim 24.

Regarding claim 79, Ziv-El discloses a first client device (see Figs. 1 and 2).

Regarding the limitation of an aggregating device, see the above rejection to claim 22.

Regarding the limitations of forwarding a query pertaining to a structured entity having a plurality of parts and a plurality of response templates to the client device, where the aggregating device receives a response from the client device, wherein said response comprises at least one of the response templates related to at least one part of said structured entity, see the above rejection to claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 25, 38, 39, 59, 72, 73, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziv-El in view of Sonnenfeld (US 6,418,298).

Regarding claim 4, Ziv-El does not disclose forwarding the aggregated result to the first or second client device. Sonnenfeld teaches a "Computer network based testing system" (See Title), in which "the output may be subject to further analysis, such as individual and group statistics, feedback to the test taker" (Col. 2, lines 43-44). Sonnenfeld also teaches the invention can "allow test takers to view test statistics immediately" (Col. 9, lines 34-35). Sonnenfeld also teaches the students may "compare

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how they did to the test median and standard deviation as well as the test mean, low score and high score.” (Col. 5, lines 56-58) Thus the aggregated result (such as median, standard deviation, and other statistics) is forwarded to the first or second client device, or student using the invention.

Regarding claim 5, Sonnenfeld teaches the invention “allows taker to see how they did compared to other users” (Col. 8, lines 9-10). Thus the first student can see a response from the second student. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Sonnenfeld into the invention of Ziv-El in order to in order to allow the test takers to see statistical results of the class taking the test, along with answers provided by fellow classmates. This would give a student test-taker a way to gauge his or her performance as compared to the rest of the class.

Claim 25 is rejected on the same grounds as claim 5.

Claim 38 is rejected on the same grounds as claim 4.

Claim 39 is rejected on the same grounds as claim 5.

Claim 59 is rejected on the same grounds as claim 4.

Claim 72 is rejected on the same grounds as claim 4.

Claim 73 is rejected on the same grounds as claim 5.

Claim 78 is rejected on the same grounds as claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 517-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC


MONICA CARTER
SUPERVISORY PATENT EXAMINER